

REMARKS

Applicant's counsel acknowledges and appreciates the telephone interview with Examiner Stinson earlier today. As discussed in the interview, independent 1 is directed towards a method of washing laundry in a washing machine, while independent claim 9 is a product claim directed towards a washing machine. In comparison, the secondary references cited in the rejection of the claims (Blachet, Thompson and Kenny) all relate to gasoline stations. Blachet is directed towards a gasoline pump, and Thompson and Kenny are directed towards windshield washer fluid dispenser, which presumably would be found at gas stations.

Applicant respectfully submits that the field of endeavor of the present invention is washing machines. The Examiner's assertion that the field of endeavor is bulk fluid dispensers is too broad. Bulk fluid dispensers encompass unlimited devices and fields, such as an agricultural sprayer, common toilets wherein water is dispensed from the tank to the bowl, and pet or livestock watering troughs. There is simply no evidence that a person skilled in the washing machine art would look to such bulk fluid dispensing fields generally, or the gas station art in particular.

It is clear from Federal Circuit case law precedent that every word in a claim must be given meaning. Exxon Chemical Patents, Inc. v. Lubrizol Corp., 64 F.3d 1553, 1557 (Fed. Cir. 1995). Claim limitations defining the subject matter of the invention can never be disregarded. In re Sabatino, 480 F.2d 911, 913 (CCPA 1973). The Patent Office Board of Appeals has explained that in interpreting claims, "the presumption is that every word is meaningful." Sabatino, 480 F.2d at 912.

As explained by the Federal Circuit,

"The effect preamble language should be given can be resolved only on review of the entirety of the patent to gain an understanding of what the inventors actually invented and intended to encompass by the claim."

Corning Glass Works v. Sumitomu Electric, 868 F.2d 1251, 1257 (Fed. Cir 1989). Here, the specification makes clear that the inventors were working on problems relating to washing machines, not bulk liquid dispensers generally. To read the claims in light of the specification, indiscriminately to cover all types of fluid dispensers would be divorced from reality. See Corning Glass, Id.

Preamble limitations were explained by the Federal Circuit in Eaton Corp. v. Rockwell Int'l Corp., 323 F.3d 1332, 1339 (Fed. Cir. 2003), wherein the Court stated:

"In general, a preamble limits the [claimed] invention if it recites essential structure or steps, or if it is 'necessary to give life, meaning and vitality' to the claims." (citations omitted). "[A] claim preamble has the import that the claim as a whole suggest for it. In other words, when the claim drafter chooses to use both the preamble and the body to define the subject matter of the claimed invention, the invention so defined, and not some other, is the one the patent protects."

In method claim 1, the preamble refers to "washing laundry in a washing machine." One of the steps recited in claim 1 is "starting the machine operation." Thus, both the preamble and the body of claim 1 serve to define the subject matter of the claimed invention.

Similarly, in product claim 9, the preamble is for "A washing machine." The body of claim 9 includes two references to the washing machine, that is, "a control panel to control operation of the machine," and "a monetary payment means operatively connected to the control panel to sense a monetary payment to the machine." As with claim 1, independent product claim 9 uses both the preamble and the body to define the subject matter of the claimed invention. The claims are not directed towards bulk fluid dispensers in general, but rather are specifically directed towards a method of washing clothes in a washing machine and a washing machine.

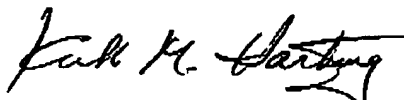
Accordingly, Blachet, Thompson, and Kenny are in different fields of endeavor. The problem addressed by the present invention is providing a washing machine with a bulk detergent container so that a user can purchase a desired amount of detergent when using the washing machine. A second objective of the invention is the automatic activation of the detergent dispenser at an appropriate time in the wash cycle of the machine, after the monetary payment has been made by the user. The Blachet, Thompson and Kenny patents are not concerned with the purchase of detergent for use in a washing machine, or the delayed activation of the dispenser after payment is received by the machine.

Thus, Blachet, Thompson and Kenny are not analogous art and are inappropriate as a basis for a § 103 rejection of the claims. Therefore, the rejections of the claims should be withdrawn and a Notice of Allowance issued.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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